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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,752	12/04/2003	Peter Dahmen	SBNLV-10082	7609
24131	7590	06/07/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			ENGLISH, PETER C	
			ART UNIT	PAPER NUMBER

3616

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,752

Applicant(s)

DAHMEN, PETER

Examiner

Peter C. English

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040105; 20031204</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because:
In Fig. 1, the section line should be labeled "2" or "II" instead of "A".
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a cover that is releasably latched to the edge of the outlet opening (claim 20) and a module installed near a windshield (claim 24, line 3) must be shown or the features canceled from the claims. No new matter should be entered.
3. Corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The lengthy specification has not been checked to the extent to identify every minor error. Applicant's cooperation is requested in insuring that the specification is fit for publication. The following errors are noted:

At page 24, line 22, "A-A" should be "2-2" or "II-II".

At page 25, line 12, "A-A" should be "2-2" or "II-II".

At page 29, line 21, "7" should be "10".

At page 30, lines 4-6, "in a lower....the cover 10" should be "defined by the lower housing walls 14, 15". See Fig. 3.

At page 30, line 8, "housing wall" should be "lower housing walls 14, 15". See Fig. 3.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled

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in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to describe the structure of a cover that is releasably latched to the edge of the outlet opening. What kind of releasable latch is used? How does the cover open? Is it hinged? The description of this feature is inadequate, and it is not illustrated in the drawings.

6. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, at line 30, "said upper housing wall" lacks proper antecedent basis. The examiner suggests: at line 6, change "a housing wall" to "an upper housing wall".

In claim 1, lines 34-37 contradict lines 39-41. Lines 34-37 describe the gas-duct segment as guiding gas in an airbag emergence direction (i.e., in a vertical direction as shown in Fig. 2), but lines 39-41 describe the gas-duct segment as extending substantially parallel to the outlet opening plane (i.e., in a horizontal direction as shown in Fig. 2). It appears that lines 39-41 are an accurate description of the gas-duct segment defined at lines 33-35, while lines 34-37 instead describe the portion of the gas duct defined by the gas distributor.

In claim 3, at line 5, "end side" is indefinite because "end" has a different meaning than "side". This term should be changed to either "end" or "side".

In claim 5, at line 2, "said gas-duct segment" is indefinite because more than one such segment has been previously introduced. Does this refer to the gas-duct segment in claim 1, at lines 34-35 or the gas-duct segment in claim 2, at line 2? The examiner suggests: at line 2, insert "extending substantially parallel to said outlet opening plane" after "segment".

In claim 7, at line 4, "said gas duct segment" is indefinite because more than one such segment has been previously introduced. Does this refer to the gas-duct segment in claim 1, at lines 34-35 or the gas-duct segment in claim 7, at line 2? The examiner suggests: at line 4, change "gas duct segment" to "gas-duct end segment".

In claim 7, at line 6, "is a separate component" is indefinite because it is unclear what the gas distributor is "separate" from. Further, at line 6, "fastened at" is indefinite because it is

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unclear what the gas distributor is "fastened" to. The examiner suggests: at line 6, insert "to said lower housing wall region" after "fastened".

Claim 9 is indefinite because it recites an improper Markush grouping. A Markush group consists of a list of equivalent elements which are used as alternatives to one another. Claim 9 recites a group of different distributors, not a list of alternative, equivalents. Further, claim 9 is indefinite because it is not possible for a single housing configuration (see the preamble) to include a group of different distributors. The examiner suggests that the body of claim 9 be amended to recite, "wherein the gas distributor has at least one gas blow-out opening and is capable of being interchanged with another gas distributor having a different number of gas blow-out openings or a different gas-blowout opening geometry."

In claim 10, at lines 3-4, "at said gas-duct mouth" is indefinite because the gas-duct mouth is not a part of the lower housing wall region, but instead is a part of the gas distributor (see claim 7). The examiner suggests: at lines 3-4, delete "at said gas-duct mouth".

In claim 15, at line 2 and twice at line 5, "end side" is indefinite because "end" has a different meaning than "side". This term should be changed to either "end" or "side". See also "end side" in claim 16, twice at line 2, and in claim 17, at line 2.

In claim 24, at lines 33-34, "said upper housing wall" lacks proper antecedent basis. The examiner suggests: at line 8, change "a housing wall" to "an upper housing wall".

In claim 24, lines 37-40 contradict lines 42-44. Lines 37-40 describe the gas-duct segment as guiding gas in an airbag emergence direction (i.e., in a vertical direction as shown in Fig. 2), but lines 42-44 describe the gas-duct segment as extending substantially parallel to the outlet opening plane (i.e., in a horizontal direction as shown in Fig. 2). It appears that lines 42-44 are an accurate description of the gas-duct segment defined at lines 36-38, while lines 37-40 instead describe the portion of the gas duct defined by the gas distributor.

Allowable Subject Matter

7. Claims 1-19 and 21-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach an airbag housing, as defined in claims 1 and 24, including an upper wall with an airbag outlet opening closed by a cover, an airbag space laterally next to a gas generator space with reference to a plane of the outlet opening, a lower airbag space wall and a lower gas generator space wall together forming a gas duct segment extending substantially parallel to the outlet opening plane, and a partition separating the airbag and gas generator spaces, the partition extending away from the upper wall into the interior of the housing as far as the lower airbag space wall.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stephenson and Damman et al. teach airbag housings with separate airbag and gas generator spaces.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. English whose telephone number is 703-308-1377. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Peter C. English
Primary Examiner
Art Unit 3616

6/1/04

pe
June 1, 2004